

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GREAT LAKES REINSURANCE (UK)
PLC,**

Plaintiff,

v.

**STEPHENS GARDEN CREATIONS, Inc.
doing business as "STEPHENS AQUATIC
SERVICES, INC."**

Defendant.

CIVIL ACTION

NO. 14-539

ORDER

AND NOW, this 31st day of July, 2015, upon consideration of Motion for Summary Judgment of Great Lakes Reinsurance (UK) PLC (Document No. 17, filed March 2, 2015); Exhibits A through UU to Motion for Summary Judgment (Document No. 18, filed March 2, 2015); Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment (Document No. 19, filed March 23, 2015); and Response to Stephens Garden Creations, Inc. D/B/A Stephens Aquatic Services, Inc.'s Opposition to Motion for Summary Judgment of Great Lakes Reinsurance (UK) PLC (Document No. 20, filed April 2, 2015), for the reasons stated in the accompanying Memorandum dated July 31, 2015, **IT IS ORDERED** as follows:

1. Great Lakes' Partial Motion for Summary Judgment as to Stephens' claim of bad faith in Count II of Stephens' Amended Counterclaim is **GRANTED**; and
2. Count I of Stephens' Amended Counterclaim is **DISMISSED WITH PREJUDICE** to the extent that it concerns Stephens' claim for staff shirts and sales tax returns.

IT IS FURTHER ORDERED that, on or before August 31, 2015, counsel shall jointly report to the Court (letter to Chambers, Room 12613) with respect to whether the case is settled.

In the event the case is not settled on or before August 31, 2015, counsel shall include in their joint report a statement as to whether they believe a settlement conference before a magistrate judge or mediation under Local Civil Rule 53.3 and the Mediation Protocol Under Local Civil Rule 53.3 might be of assistance in resolving the case and, if so, on what forms of alternative dispute resolution they agree and by what date they will be prepared to begin such proceedings.

IT IS FURTHER ORDERED that, if counsel report that the case is not settled on or before August 31, 2015 and they cannot agree on a referral to a magistrate judge for a settlement conference or to a mediator for proceedings in accordance with Local Civil Rule 53.3 and the Mediation Protocol Under Local Civil Rule 53.3, a telephone conference for the purpose of scheduling further proceedings will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.